

as 13. (Once Amended) The building structure of claim 12 in which said wall and floor of said enclosure cell includes fiber reinforced plastic material.

A marked up copy showing the amendments to claims 1 and 13 is attached herewith.

### REMARKS

The applicants appreciate the Examiner's thorough examination of the application and requests reexamination and reconsideration of the application in view of the preceding amendments and the following remarks.

The Examiner states that the application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). However, an abstract of the disclosure (copy enclosed) was included with the application as filed, as shown by the stamped return receipt postcard (copy enclosed) which indicates that the abstract was filed with the application. OK

The Examiner also objects to claims 1 because of an informality and claim 13 as being duplicative of claim 11. Applicant has amended claims 1 and 13 through the above amendments to correct the typographical errors in the claims. OK

The Examiner also objects to claims 1-20 under 35 USC §112 stating that it is not clear from the specification how the enclosure cells are "suspended". As shown by the attached definition of "suspend" from Webster's Unabridged Dictionary, one definition of "suspend" is "to attach to something above". Accordingly, applicant submits that it is

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repeat

Note competent enough to know the definition however suspension implies hanging.

it is not clear how members 26-40 are "suspended" as they are attached at opposite ends of by (a) to 26/32/32 hanging does not involve secrecy both are only one

clear how the enclosure cells are suspended.

The Examiner rejects claims 1, 5, 7, 9-10, 12, 14-15 and 17-18 under 35 USC § 102(b) as being anticipated by U.S. Patent No. 3,791,081 to *Felciai*. *Felciai* is directed to a multi unit dwelling structure. However, *Felciai* fails to disclose all of the features of the subject claims.

Applicant's invention is directed to a building construction using tensional support members comprising a support structure for bearing a compressive load, a support beam borne by said structure, at least one enclosure cell, and at least one tension member for suspending said enclosure cell from said support beam.

<sup>①</sup>  
*Felciai* fails to disclose a support structure for bearing a compressive load and at least one enclosure cell as claimed by the applicant. *Felciai* discloses "a plurality of individual dwelling units 1 formed into a tiered stack 2 one on top of another". Col. 2, lines 31-33 of *Felciai*. However, *Felciai* fails to disclose a support structure and at least one enclosure cell. The Examiner asserts that the stack of enclosure cells is the support structure. It is clear from claim 1 of the subject application that the support structure and the enclosure cell are different components. Additionally, independent claim 14 recites providing a support structure, installing a support beam on the support structure, and providing at least one enclosure cell. Applicant submits that it is clear that *Felciai* fails to disclose a support structure as claimed by applicant in independent claims 1 and 14, and their respective dependant claims.

The Examiner rejects claims 1-4, 14 16 under 35 USC § 102(b) as being anticipated by U.S. Patent No. 5,634,528 to *Watts et al.* *Watts* fail to disclose suspending

the enclosure cell from the support beam as claimed by applicant in independent claims 1 and 14. As shown in Fig. 3 of *Watts*, cages 80 are supported on cables 83. However, cables 83 are not directly connected to beam 84, but is in fact connected to a device above beam 84. This is so cages 80 can move horizontally along beam 84. See Col. 4, lines 29-31 of *Watts*. Accordingly, *Watts* fails to disclose all of the elements of independent claims 1 and 14 and their respective dependent claims.

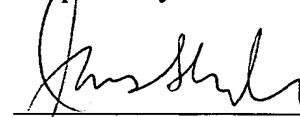
*not claimed - claim says "for suspending"*  
*Why? Or how does it not suspend that type of movement*

The Examiner also rejects claims 11 and 13 under 35 USC § 103(a) as being unpatentable over *Felciai*. However, for at least the reasons set forth above, claim 1 is patentable over *Felciai*. Accordingly, claims 11 and 13 are patentable over *Felciai* for at least those reasons.

Each of the Examiner's rejections has been addressed or traversed. Accordingly, it is respectfully submitted that the application is in condition for allowance. Early and favorable action is respectfully requested.

If for any reason this Response is found to be incomplete, or if at any time it appears that a telephone conference with counsel would help advance prosecution, please telephone the undersigned or his associates, collect in Waltham, Massachusetts, (781)890-5678.

Respectfully submitted,



Jason D. Shanske  
Reg. No. 43,915

Applicant: Wooh, *et al.*  
For: BUILDING CONSTRUCTION AND METHOD USING TENSION  
SUPPORT METHOD

*(once amended)*

1            1.     A building construction using tensional support members comprising: a  
2            support structure for bearing a compressive load; a support beam borne by said structure;  
3            at least one enclosure cell; and at least one tension member for suspending ~~X~~ said  
4            enclosure cell from said support beam.

1            2.     The building structure of claim 1 in which said support structure includes  
2            a column.

1            3.     The building structure of claim 1 in which said support structure includes  
2            two columns.

1            4.     The building structure of claim 1 in which said support structure includes  
2            at least three columns.

1            5.     The building structure of claim 1 in which said support beam includes a  
2            linear beam.

1            6.     The building structure of claim 1 in which said support beam includes an  
2            annular beam.

1 7. The building structure of claim 1 in which said support beams includes a  
2 number of linear beams.

1 8. The building structure of claim 1 in which said support beam includes an  
2 inner and an outer annular beam and an interconnection structure connecting the two.

1 9. The building structure of claim 1 in which said support beam includes a  
2 tension member including a cable element.

1 10. The building structure of claim 1 in which said support beam includes a  
2 number of cable elements suspending each said enclosure cell.

1 11. The building structure of claim 1 in which said support beam includes a  
2 fiber reinforced plastic material.

1 12. The building structure of claim 1 in which said enclosure cell includes a  
2 wall and floor.

1 13. The building structure of claim <sup>12</sup> ~~1~~ in which said ~~support beam~~ <sup>wall and floor of said enclosure cell</sup> includes  
2 fiber reinforced plastic material.

Applicant: Wooh *et al.*  
For: BUILDING CONSTRUCTION AND METHOD USING TENSION  
SUPPORT MEMBERS

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ABSTRACT OF DISCLOSURE

A building construction and method using tension support members includes a support structure for bearing a compressive load; a support beam borne by the structure; at least one enclosure cell and at least one tension member for suspending an enclosure cell from the support beam.

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The Patent Office date stamp sets forth the date of receipt of:

Applicant: Wooh et al.

Serial No:  
Title: Building Construction and Method Using Tension Support Members

Docket No: MIT-117J Atty's initials: JDS:lr

Enclosed: Transmittal letter and copy;  
New patent application including:  
10 pgs. Specification; 3 pgs. claims; 1 pg. abstract;  
6 pgs. drawings; Declaration and Power of Attorney;  
Check for \$355.00.

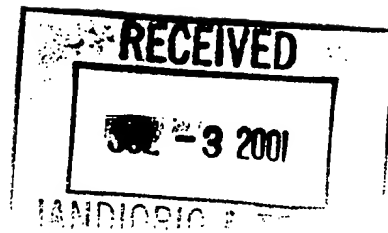
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06/21/01



**suspend**

\Sus\*pend", v. t. [imp. & p. p. Suspended; p. pr. & vb. n. Suspending.] [F. suspendre, or OF. souspendre (where the prefix is L. subtus below, from sub under), L. suspendere, suspensum; pref. sus- (see Sub-) + pendere to hang. See Pedant, and cf. Suspense, n.] 1. To attach to something above; to hang; as, to suspend a ball by a thread; to suspend a needle by a loadstone.

2. To make to depend; as, God hath suspended the promise of eternal life on the condition of obedience and holiness of life. [Archaic] --Tillotson.

3. To cause to cease for a time; to hinder from proceeding; to interrupt; to delay; to stay.

Suspend your indignation against my brother. --Shak.

The guard nor fights nor fies; their fate so near At once suspends their courage and their fear. --Denham.

4. To hold in an undetermined or undecided state; as, to suspend one's judgment or opinion. --Locke.

5. To debar, or cause to withdraw temporarily, from any privilege, from the execution of an office, from the enjoyment of income, etc.; as, to suspend a student from college; to suspend a member of a club.

Good men should not be suspended from the exercise of their ministry and deprived of their livelihood for ceremonies which are on all hands acknowledged indifferent. --Bp. Sanderson.

6. To cause to cease for a time from operation or effect; as, to suspend the habeas corpus act; to suspend the rules of a legislative body.

7. (Chem.) To support in a liquid, as an insoluble powder, by stirring, to facilitate chemical action.

To suspend payment (Com.), to cease paying debts or obligations; to fail; -- said of a merchant, a bank, etc.

Syn: To hang; interrupt; delay; intermit; stay; hinder; debar.

Source: *Webster's Revised Unabridged Dictionary*, © 1996, 1998 MICRA, Inc.

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